

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	Chapter 7
)	
Mack Industries, Ltd., et al.,)	
)	No. 17 B 09308
)	
Debtor.)	
_____)	
)	
Ronald R. Peterson, as Chapter 7 Trustee,)	
)	
Plaintiff,)	
)	
v.)	No. 19 A 00372
)	
Capital One N.A. et al,)	
)	
Defendant.)	Judge Carol A. Doyle

Order Granting in Part and Denying in Part Defendants' Motion to Dismiss

For the reasons stated in the Memorandum Opinion entered November 16, 2020, the motion to dismiss filed by Capital One, N.A., Capital One Financial Corp. (collectively "Capital One"), and Menard Inc. is granted in part and denied in part.

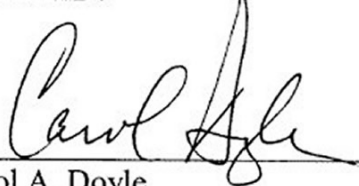
The motion to dismiss the claim in Count 1 against Capital One for fraudulent transfer based on constructive fraud is granted. This claim is dismissed with prejudice.

The motion to dismiss the claim in Count 2 against Capital One for fraudulent transfer based on actual fraud is denied.

The motion to dismiss all three claims against Menard Inc. is granted. The claims against Menard Inc in Counts 1, 2, and 3 are dismissed.

Dated: November 16, 2020

ENTERED:



Carol A. Doyle
United States Bankruptcy Judge